

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

ALL ACTIONS

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

DECLARATION OF STEVE W. BERMAN IN SUPPORT OF CLASS PLAINTIFFS'
MOTION FOR AN ORDER APPROVING THE FORM AND MANNER OF CLASS
NOTICE

Steve W. Berman, under penalty of perjury, declare as follows:

1. I am one of the attorneys for class plaintiffs and make this declaration based upon personal knowledge.
2. Attached as Exhibit A is the proposed publication form of notice for consumers in Class 1 and Class 3.
3. Attached as Exhibit B is the proposed publication notice for Class 2 and 3 directed to TPPs.
4. Attached as Exhibit C is the proposed individual notice to TPPs.
5. Attached as Exhibit D is the proposed individual notice to consumers who have requested such a notice.
6. Attached as Exhibit E is a form of notice prepared by the Federal Judicial Center.
7. Attached as Exhibit F are the *Lupron* notices.

The undersigned states under penalty of perjury that the foregoing is true and correct.

/s/ Steve W. Berman

STEVE W. BERMAN

Executed at Seattle, Washington
May 31, 2006.

CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on May 31, 2006, I caused copies of **DECLARATION OF STEVE W. BERMAN IN SUPPORT OF MOTION FOR AN ORDER APPROVING THE FORM AND MANNER OF CLASS NOTICE** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Steve W. Berman

Steve W. Berman